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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,413	03/11/2004	Elliott Glazer	035291-000016	7057
5514	7590	09/18/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			MISIASZEK, MICHAEL	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			3625	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,413	Applicant(s) GLAZER ET AL.	
	Examiner Michael Misiaszek	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4, 8-13, 19, 20, 23, 26, 30-35, 41, 42, 45, 51-54, 57, and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandus et al. (US 20020072993 A1, hereinafter Sandus).

Regarding Claims 1, 23, 45, and 60

Sandus discloses a method and apparatus for a user to shop online in a three dimensional (3D) virtual reality (VR) setting, comprising:

- receiving a request at a shopping server to view a shopping location (at least paragraph [0072]: customer accesses market system)
- displaying the shopping location to a user computer in a 3D interactive simulation view via a web browser to emulate a real-life shopping experience for the user, said shopping location having at least one store (at least figure 2: customer views virtual mall)
- obtaining a request to enter into one of said at least one store (at least paragraph [0084]: customer clicks on storefront to enter store)

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- displaying the store Website to the user computer in the same web browser, the store website having one or more enhanced VR features (at least figure 3: customer presented with virtual view of store interior)
- receiving a request to view at least one product (at least paragraph [0085]: user selects product to view)
- presenting the at least one product in a 3D interactive simulation view to emulate a real-life viewing of the product (at least abstract: three dimensional product image for customer)

Regarding Claims 4, 27

Sandus further discloses:

- receiving a request to insert the at least one product into a virtual shopping cart (at least paragraph [0084]: user can place product in shopping cart)

Regarding Claims 8-13, 30-35, 51-54

Sandus further discloses:

- obtaining a request to view another one of said at least one store (at least paragraph [0084]: customer can click on any one of available storefronts)
- displaying at least one product in a store window to emulate real-life window shopping (at least paragraph [0082]: store windows emulated)
- displaying at least one product offer to emulate real-life sales advertising (at least paragraph [0082]: advertisers use virtual billboards to display product offers)

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- displaying at least one customer representative to assist the user in real-time purchasing of the at least one product (at least paragraph [0147]: solicitors used to promote product purchases)
- receiving a request for a 360 degree interactive view of the at least one product (at least paragraph [0136]: three dimensional product image allows view of all sides)
- displaying a product information sheet received from a product information database (at least paragraph [0086]: product description provided)

Regarding Claims 19, 20, 41, 42, 57

Sandus further discloses:

- receiving a request at the shopping server to personalize the shopping location (at least paragraph [0092]: customization of store/mall display)
- receiving a request at the shopping server to link-up with at least one other user (at least paragraph [0125]: shopping companions)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 24, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandus in view of Covington et al. (US 20030154135 A1, hereinafter Covington).

Sandus discloses the claimed invention except for:

- introducing a concierge to the user

Covington teaches that it is known to include introducing a concierge to a user (at least paragraph [0014]: concierge service to assist user shopping) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method, as taught by Sandus, with the concierge introduction, as taught by Covington, since such a modification would have provided a means for a buyer to purchase a product without actually having to visit a physical store (at least paragraph [0087] of Covington).

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3. Claims 3, 25, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandus in view of Olefson (US 20030083957 A1).

Sandus discloses the claimed invention except for:

- the at least one product is a real estate property

Olefson teaches that it is known to sell real estate property in a virtual reality environment (at least abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and apparatus, as taught by Sandus, with the real estate property sales, as taught by Olefson, since such a modification would have provided a means for realtors and their customers to save time and effort in the real estate sales process (at least paragraph [0006] of Olefson).

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4. Claims 5-7, 27-29, 47, 48, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandus in view of Nowers et al. (US 20030033205 A1, hereinafter Nowers).

Sandus discloses the claimed invention except for:

- storing said at least one product into a shopping cart memory
- receiving a request to purchase the at least one product in the virtual shopping cart, wherein said products are from different stores
- shipping the purchased products using one tracking number in one shipment

Nowers teaches that it is known to store products from different vendors in a shopping cart (at least paragraph [0204]) and to ship the products in one shipment with one tracking number (at least paragraph [0046]: products shipped to customer in single shipment) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and apparatus, as taught by Sandus, with the multiple vendor product shipping, as taught by Nowers, since such a modification would have provided means for customer to receive products from multiple vendors as quickly and cheaply as possible (at least paragraph [0020] of Nowers).

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5. Claims 14,15, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandus in view of DeAngelis (US 20050075940 A1).

Sandus discloses the claimed invention except for:

- receiving a request for a price comparison, a product comparison, or a merchant offer
- retrieving information data from a product comparison database and displaying the information data to the user

DeAngelis teaches that it is known to including displaying a product comparison when requested by a customer (at least paragraph [0009]) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and apparatus, as taught by Sandus, with the product comparison, as taught by DeAngelis, since such a modification would have provided a portal for customers to obtain desired product information from a merchant (at least paragraph [0005] of DeAngelis).

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6. Claims 16-18, 38-40, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandus in view of Howell et al. (US 20030195818 A1, hereinafter Howell).

Sandus discloses the claimed invention except for:

- storing a clickstream data of the user's actions within the 3D VR setting in a clickstream database
- receiving a request from a merchant website to obtain said clickstream data
- automatically displaying product cross-selling information or product offers and information to the user based upon the stored clickstream data

Howell teaches it is known to store and obtain clickstream data (at least paragraph [0062]: shopping session browsing data stored in database and retrieved) and to use the data to display cross-selling information (at least paragraph [0062]: cross-selling information displayed) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and apparatus, as taught by Sandus, with the clickstream data usage, as taught by Howell, since such a modification would have provided a means for personalizing marketing and sales initiatives (at least paragraph [0062] of Howell).

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7. Claims 21, 22, 43, 44, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandus in view of Czepluch (US 20030069832 A1).

Sandus discloses the claimed invention except for:

- presenting a shopping game to the user computer
- rewarding the user if the user wins the shopping game

Czepluch teaches that it is known to include presenting a shopping game to a user and rewarding the user upon a win (at least abstract) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and apparatus, as taught by Sandus, with the shopping game, as taught by Czepluch, since such a modification would have provided a means for attracting customers to an e-commerce site (at least abstract of Czepluch).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
9/13/2006

